



January 21, 2003 CPC
February 26, 2003 BS

**STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION**

03SN0193

EcoPower, L.L.C.

**Dale Magisterial District
West line of Iron Bridge Road**

REQUEST: Rezoning from General Business (C-5) to Agricultural (A) of 19.4 acres with Conditional Use to permit General Business (C-5) uses on this property and a power generation facility on this property and an adjacent 7.9 acre Agricultural (A) tract.

PROPOSED LAND USE:

An electric power generation facility, as well as other industrial and commercial uses, is planned.

PLANNING COMMISSION RECOMMENDATION

**RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS
ON PAGES 2 AND 3.**

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A.** The proposed power generation facility use is in compliance with the Central Area Plan which suggests the property is appropriate for general industrial use. While the commercial uses are not in keeping with the recommendations of the Plan, such uses are already permitted on that portion of the site where they are proposed. Approval of the C-5 uses would allow the applicant to use a portion of the property as he is currently allowed.

- B. Development requirements of the Zoning Ordinance and proffered conditions further ensure the proposed development will have a minimal adverse impact on area development.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

The Owner and the Applicant (the "Applicant") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the 27.31 parcel (the "Property") that is a part of the property known as GPIN County GPIN/Tax Identification Number 773-648-0618 (Part of) under consideration will be developed according to the following conditions if, and only if, the rezoning from C-5 to A and the requested conditional use permits are granted. In the event the request is denied or approved with conditions not agreed to by the Applicant, the proffers and conditions shall immediately be null and void and of no further force or effect.

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| (STAFF/CPC) | 1. | The plan entitled "Preliminary Sketch Plan: EcoPower, L.L.C. Project, Quarry Road, Chesterfield County, Virginia" dated November 7, 2002 and prepared by Resource International, LTD. (the "Plan") shall govern the location of uses permitted under the conditional use permits applicable to this request. (P) |
| (STAFF/CPC) | 2. | All of the Property (Tract 1 plus Tract 2, as shown on the Plan) shall be permitted to be used for the construction, maintenance and operation of a power generation facility (the Facility). In addition, Tract 1 (and only Tract 1) may be used for any uses permitted by right or with restrictions in the C-5 zoning district. (P) |
| (STAFF/CPC) | 3. | Any C-5 use developed on Tract 1 shall be subject to the "Emerging Growth Area" development standards required in sections 19-591 to 19-598 of the Chesterfield County Code. (P) |
| (STAFF/CPC) | 4. | Public water and wastewater systems shall used in conjunction with the Facility and the C-5 uses permitted on the Property. (U) |
| (STAFF/CPC) | 5. | Views of the Facility shall be minimized from public rights of way. At the time of site plan review, the Applicant shall submit a plan to the Planning Department showing how views of the Facility are to be minimized from public rights of way (the "View Minimization Plan"). The View Minimization Plan shall identify different methods of minimizing views, including, but not limited to, preservation of |

existing vegetation on the Property, the installation of berms, and/or additional plantings, as approved by the Planning Department. In addition, buildings or other structures in existence at the time the View Minimization Plan is submitted may be used as part of such plan for minimizing views of the Facility. Any method approved as part of the View Minimization Plan may be later deleted or altered at the time of construction of a structure or structures on GPIN 773-648-0618 (which includes the Property), if such structure or structures continue to minimize views of the Facility from public rights of way, as determined by the Planning Department. (P)

- (STAFF/CPC) 6. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
- (STAFF/CPC) 7. Prior to any final site plan approval for the Facility or for any C-5 use permitted on the Property, one hundred (100) feet of right-of-way on the west side of Iron Bridge Road (Route 10), as measured from the centerline of that part of Route 10 immediately adjacent to the Property where the Property fronts on Route 10, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

GENERAL INFORMATION

Location:

West line of Iron Bridge Road, south of Ironbridge Parkway. Tax ID 773-648-Part of 0618 (Sheet 25).

Existing Zoning:

A and C-5 with Conditional Use

Size:

27.3 acres

Existing Land Use:

Industrial and vacant

Adjacent Zoning and Land Use:

North - C-5 with Conditional Use Planned Development; Industrial
South - A with Conditional Use and C-5; Sanitary landfill
East - C-2 with Conditional Use Planned Development and C-5; Industrial or vacant
West - A and I-3 with Conditional Use and C-5; Industrial or vacant

UTILITIES

Public Water System:

There is an existing thirty (30) inch water line extending along the east side of Lewis Road and continuing west along the south side of Iron Bridge Road, adjacent to the request site. Use of the public water system is intended and has been proffered. (Proffered Condition 4)

Public Wastewater System:

There is an existing twelve (12) inch wastewater trunk line extending along the northern boundary of the request site, adjacent to Iron Bridge Road. Use of the public wastewater system is intended and has been proffered. (Proffered Condition 4)

ENVIRONMENTAL

Drainage and Erosion:

The property drains west and ultimately into Swift Creek. There are no existing or anticipated on- or off-site drainage or erosion problems. The property is partially wooded and should not be timbered without first obtaining a land disturbance permit from the Environmental Engineering Department (Proffered Condition 6). This will ensure proper erosion control measures are in place prior to any land disturbance.

PUBLIC FACILITIES

Fire Service:

The Chester Fire Station, Company Number 1 and Bensley-Bermuda Volunteer Rescue Squad currently provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

Transportation:

The applicant has submitted a plan that subdivides the property into two (2) tracts; Tract 1 consisting of 19.4 acres and Tract 2 consisting of 7.91 acres. Tract 1 is currently zoned General Business (C-5), and Tract 2 is zoned Agricultural (A). The applicant is requesting

rezoning of Tract 1 from C-5 to A with the ability to develop all C-5 uses on that Tract, and a Conditional Use on all of the property to allow the development of a power generation facility. The proposed facility will access Iron Bridge Road (Route 10) via a shared driveway, which currently serves a quarry operation located on the adjacent property. Typical traffic generation information is not available for a power generation facility. The applicant has indicated that two (2) employees will operate the facility with occasional truck deliveries of fuel; approximately two (2) trucks per week. Therefore, the request will have a minimal impact on the anticipated traffic generated by development of the property.

The Thoroughfare Plan identifies Route 10 as a major arterial with a recommended right of way width of 120 to 200 feet. The applicant has proffered to dedicate 100 feet of right of way, measured from the centerline of Route 10, in accordance with that Plan. (Proffered Condition 7)

Solid Waste Management:

The County's Solid Waste Management Division indicates that the proposed power generation facility will provide a cleaner method of disposing of the methane gas generated by the landfill than the current method of flaring the gas. Further, the production of energy from this facility will lower the dependence on non-renewable resources.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Central Area Plan which suggests that the property is appropriate for general industrial uses.

Area Development Trends:

Area development is characterized by industrial uses, a sanitary landfill and vacant agricultural property. The Plan anticipates industrial uses continuing in this area for the foreseeable future.

Zoning History:

On March 25, 1965, the Board of Supervisors approved a Use Permit to allow a quarry and stone crushing plant (Case 65-6 U.P.). Case 65-6 U.P. was approved subject to a condition that the operation be conducted as a bench type operation and go no lower than the then current creek bed.

On April 13, 1966, the Board of Supervisors granted a Variance to the depth requirement imposed with the approval of Case 65-6 U.P.

On May 28, 1997, the Board of Supervisors approved a Conditional Use to permit a sanitary landfill. (Case 97SN0206)

Site Design:

The plan submitted with this request depicts the property divided into two (2) tracts of development. Tract 2 contains approximately 7.9 acres and permits a power generation facility. Tract 1 contains approximately 19.4 acres and permits General Commercial (C-5) uses as well as a power generation facility. (Proffered Conditions 1 and 2)

While the request property would not be subject to Emerging Growth District standards due to the Agricultural (A) zoning, the applicant has agreed that any C-5 use developed on Tract 1 will be subject to these requirements (Proffered Condition 3). The purpose of the Emerging Growth District standards is to promote high quality, well-designed projects. Redevelopment of or new construction on Tract 1 must conform to the requirements of the Zoning Ordinance which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas.

The Emerging Growth District standards proffered by the applicant do not apply to the proposed power generation facility, thereby not requiring that this facility be architecturally compatible with the remainder of the development. To address staff concerns relative to views of the power generation facility from public rights of way, the applicant has proffered that such views will be minimized through the preservation of existing vegetation, the installation of berms and/or landscape materials, existing structures, or a combination thereof, as approved by the Planning Department at the time of site plan review. (Proffered Condition 5)

CONCLUSIONS

The proposed power generation facility use is in compliance with the Central Area Plan which suggests the property is appropriate for general industrial use. While the commercial uses are not in keeping with the recommendations of the Plan, such uses are already permitted on that portion of the site where they are proposed. Approval of the C-5 uses would allow the applicant to use a portion of the property as currently permitted. In addition, development requirements of the Zoning Ordinance and proffered conditions further ensure the proposed development will have minimal adverse impact on area development.

Given these considerations, approval of this request is recommended.

CASE HISTORY

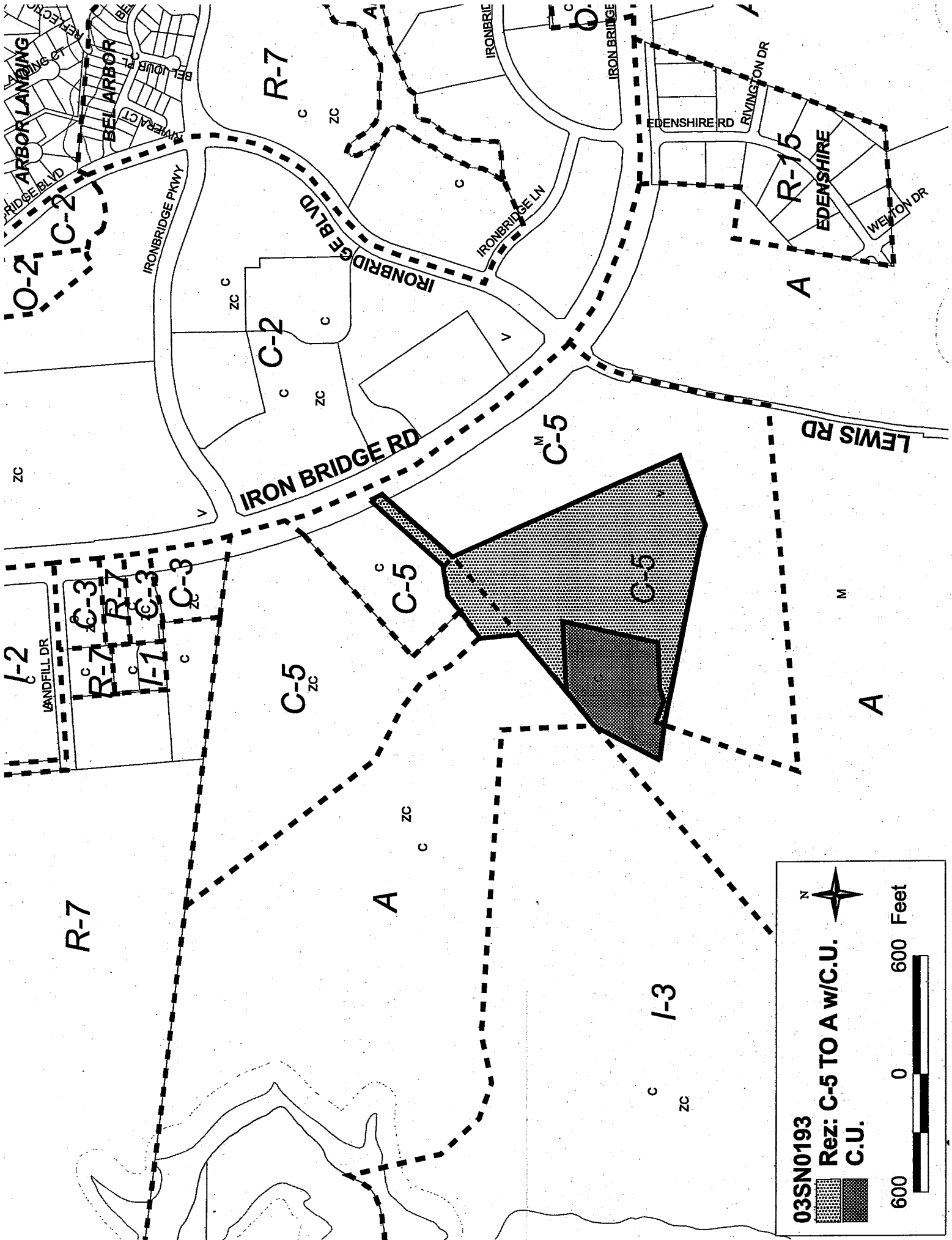
Planning Commission Meeting (1/21/03):

The applicant accepted staff's recommendation. There was no opposition present.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission recommended approval of this request and acceptance of the proffered conditions on pages 2 and 3.

AYES: Unanimous.

The Board of Supervisors, on Wednesday, February 26, 2003, beginning at 7:00 p.m., will take under consideration this request.



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Rez: C-5 TO A w/C.U.

C.U.

600 0 600 Feet



